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UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, DC

Served: January 7, 2002

NOTICE

**U.S.-Turkey Combination Service Third-Country Code-Share Opportunities**  
**Docket OST-2002-11273 - /**

By this notice we invite U.S. certificated air carriers interested in using third-country code-share opportunities in the U.S.-Turkey market to file applications as specified below in the captioned docket.

On May 2, 2000, the United States and Turkey signed an open-skies air transport agreement.<sup>1</sup> The agreement includes a three-year transition for the operation of third-country code-share combination services.<sup>2</sup> For the first two years of the transition, *i.e.*, through March 31, 2002, up to five U.S. airlines could provide code-share services to Turkey in conjunction with third-country carriers and collectively could operate a total of 35 weekly frequencies. From April 1, 2002, through March 31, 2003, up to seven U.S. airlines could offer such services, operating a combined total of 49 weekly frequencies (an increase of two additional airlines and 14 weekly frequencies). Effective April 1, 2003, there will be no restrictions on the operation of third-country code-share combination services.

Based on actions we took to award the available third-country code-share opportunities during the first and second years of the transition, Delta Air Lines, Northwest Airlines and United Air Lines now hold authority to serve the U.S.-Turkey market via intermediate points with their respective code-share partners, Air France, KLM and Lufthansa. Northwest and United are each allocated fourteen weekly frequencies for their code-share services while Delta is allocated seven weekly code-share frequencies, for a total of 35.<sup>3</sup> We are now beginning the process whereby we can award additional authority in light of the new opportunities that become available in the final part of the transitional phase-in. Specifically, by this notice we request that all U.S. air carriers interested in using the third-country code-share opportunities becoming available April 1, 2002 to file applications for those services with the Department no later than **January 28, 2002**.<sup>4</sup> Answers

<sup>1</sup> The agreement entered into force on August 13, 2001.

<sup>2</sup> Airlines may not carry local traffic between points in the third country and points in the territory of the other Party. This limitation will be eliminated effective April 1, 2003, *i.e.*, at the end of the transitional period.

<sup>3</sup> See Orders 2000-7-25, 2000-8-17, 2001-5-4 and 2001-6-11.

<sup>4</sup> We note that on December 27, 2001, Continental Airlines, Inc. filed an application in Docket OST-2001-11250 for a third-country code-share authorization and allocation of frequencies to operate code-share services in the U.S.-Turkey market with KLM beginning April 1, 2002. We will consolidate this application into the proceeding established by this notice. Accordingly, answers to Continental's application, which normally would be due on January 11, will instead be due on the dates established by this notice.

to such applications should be filed by **February 7, 2002**. Replies to answers should be filed by **February 14, 2002**.

Carriers without requisite operating authority should file exemption/frequency allocation applications and requests for statements of authorization to serve the affected markets in conjunction with their third-country code-share partners. Carriers with the requisite underlying authority and statements of authorization need only file requests for allocation of frequencies. Except for the procedural dates, exemption applications should conform to Part 302, Subpart C of our regulations (14 CFR Part 302). All applications should include, at a minimum, the following information: (a) the proposed startup date; (b) the markets to be served, including the number and identity of U.S. cities that would receive nonstop-to-nonstop connections in the U.S.-Turkey market, and the total elapsed travel time (including layover time) for each flight between each initial point of origin and each final destination in both directions (*i.e.*, provide a total elapsed round-trip travel time for each city pair and break-out subtotals for the elapsed times on the U.S. to Turkey flights and the Turkey to U.S. flights); (c) the number of frequencies requested for service between the U.S. and Turkey and the duration of service if not provided on a year-round basis for each leg of the flights; (d) type of aircraft, including the number of seats, to be used between the U.S. and the intermediate point(s) and between the intermediate point(s) and Turkey; (e) the foreign code-share carrier involved, the country and the specific intermediate point(s) over which the services will be provided, and which carrier would be operating each leg of the flights; (f) existing authority held to conduct the operations, if applicable; and (g) assurance that the U.S. air carrier applicant has provided or will provide the Department with the Compliance Statement referred to in Section IV of the DOT *Code-Share Safety Program Guidelines* (issued February 29, 2000) concerning a safety audit of the foreign air carrier(s) involved. In addition, carriers must provide as a part of their applications, copies of the relevant cooperative service arrangements, if not already on file with the Department. Applicants are free to submit any additional information that they believe will help us in making our decision.

Furthermore, applicants that currently provide direct or code-share combination service in the U.S.-Turkey market shall provide the following additional information: (a) for direct service, the city-pair markets served, the number of frequencies, the total elapsed round-trip travel time for each city pair and aircraft types, including the number of seats; and (b) for code-share services, bilateral and/or third-country code-share arrangements, the identity of the code-share partner(s) and the markets served, including the information specified in sections (b)-(e), above, with respect to the currently operated code-share services.

All applications (for operating authority, allocation of frequencies and/or statements of authorization) should be filed with the Department of Transportation, Dockets, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590 in Docket OST-2002-11273.<sup>5</sup>

We intend to allocate the available code-share opportunities and frequencies based on the applications and responsive pleadings filed in response to this notice. Should comparative selection procedures be necessary, we intend to make our decision using written, show-cause procedures in accordance with Part 302 of our regulations (14 CFR Part 302).

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<sup>5</sup> The original submission is to be unbound and without tabs on 8 ½" x 11" white paper using dark ink (not green) to facilitate use of the Department's docket imaging system. In the alternative, filers are encouraged to use the electronic submission capability available through the dockets/DMS Internet site (<http://dms.dot.gov>) by following the instructions at web site.

We will authorize service of documents by facsimile and by electronic mail. Carriers that are interested in such service, however, should state if they want service by email and should provide interested parties with their fax number and/or email address.

We will serve this notice on all U.S. certificated air carriers operating large aircraft, the Air Transport Association, and the National Air Carrier Association.

By:

PAUL L GRETCH  
Director  
Office of International Aviation

(SEAL)

Dated: January 4, 2002

*An electronic version of this document is available on the World Wide Web at  
[http://dms.dot.gov/reports/reports\\_aviation.asp](http://dms.dot.gov/reports/reports_aviation.asp)*

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